

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
SAN ANGELO DIVISION**

**PATSY K. COPE, individually, and
ALEX ISBELL, as dependent
administrator of, and on behalf of, the
ESTATE OF DERREK QUINTON
GENE MONROE and his heirs-at-law**

V.

**COLEMAN COUNTY, TEXAS;
LESLIE W. COGDILL; MARY JO
BRIXEY; and JESSIE W. LAWS**

CIVIL ACTION NO. 6:18-cv-00015-C

**INDIVIDUAL DEFENDANTS' MOTION FOR SUMMARY JUDGMENT BASED ON
QUALIFIED IMMUNITY**

TO THE HONORABLE SAM CUMMINGS:

LESLIE W. COGDILL, MARY JO BRIXEY and JESSIE W. LAWS, Defendants in their individual capacities only, file this Motion for Summary Judgment pursuant to Fed. R. Civ. Proc. 56 requesting the Court to grant them summary judgment and dismiss this case against them in their individual capacities because Defendants are entitled to qualified immunity. In support thereof, Defendants respectfully show as follows:

SUMMARY

1. Plaintiffs have brought suit against Defendants in their individual capacities for alleged violations of 42 U.S.C. § 1983 and the Fourteenth Amendment related to the suicide of Derrek Monroe while he was a pretrial detainee at the Coleman County jail. Defendant Laws was the jailer at the time of Monroe's suicide, Defendant Cogdill was the Coleman County sheriff and Defendant Brixey is the Jail Administrator. Plaintiffs have asserted claims against the Defendants in their individual capacities relating to alleged acts or omissions of the

Defendants at the time of Monroe's suicide. Defendant seeks summary judgment in their individual capacities based on their affirmative defenses of qualified immunity. Defendants' legal and factual grounds are set out in Defendants' Brief in Support, which is being filed contemporaneously with this motion in accordance with L.R. 7.2 and L.R. 56.3(a).

LEGAL AND FACTUAL GROUNDS

2. The legal and/or factual grounds on which this motion is based are set out below and in more detail in Defendant's Brief in Support of this Motion for Summary Judgment.

- A. There is no genuine issue of material fact that Plaintiffs cannot establish a constitutional violation. Therefore, Defendants are entitled to judgment in their favor as a matter of law.
- B. There is no genuine issue of material fact that Defendants did not act with deliberate indifference. Therefore, Defendants are entitled to judgment in their favor as a matter of law.
- C. There is no genuine issue of material fact that Defendants' actions did not violate any clearly established law. Therefore, Defendants are entitled to judgment in their favor as a matter of law.
- D. There is no genuine issue of material fact that Defendants' actions were objectively reasonable. Therefore, Defendants are entitled to judgment in their favor as a matter of law.

SUMMARY JUDGMENT EVIDENCE

3. Defendants rely on the summary judgment evidence included in the Appendix filed in support of their Motion for Summary Judgment.

ACCORDINGLY, Leslie W. Cogdill, Mary Jo Brixey and Jessie W. Laws, Defendants request that the Court grant this Motion and dismiss all of Plaintiffs' claims against Defendants with prejudice and for any other relief to which they are entitled.

Respectfully submitted,

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By: /s/ Jon Mark Hogg

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

This is to certify that on the 9th day of November, 2018, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to all attorneys of record on file.

/s/ Jon Mark Hogg

Jon Mark Hogg